1.   Please provide additional information regarding the consultation services in developing sound, legally defensible computer-based examinations and test forms sought by the USPTO (Ref. pages 5 and 36 of the RFP). For example, the development of sound, legally defensible examinations can include any or all of the following. Does the USPTO request consultation services in these areas? a) Job analysis b) Examination item development and test creation c) Passpoint analysis d) Test validation (content, construct and/or criterion) e) Evaluation of adverse impact f) Legal support/Expert witness testimony in the event of challenges

Response to Question 1: There is no predetermined scope of consultation services in developing sound, legally defensible examinations and test forms; vendors are free to propose what they believe to be appropriate services. Job analysis currently is not seen as a requirement. Examples of consultation services may include designing the current format of the examination (90 scored items, ten development questions) to ensure compliance with psychometric requirements, providing ongoing analysis of question items to ensure they provide a useful measure of an applicant's qualifications. providing occasional consultation services on issues as they arise in performance of the contract (e.g. reasonable accommodations requirements) and on the feasibility and impact of possible changes to the examination format. At least to date there has been no need for legal support or expert witness testimony from the incumbent in connection with challenges.

2   Is the USPTO interested in a branching or computer adaptive type of examination to increase test security and enhance prediction?

Response to Question 2: Computer adaptive testing currently is not implemented in the USPTO registration examination and there is no immediate plan to move to adaptive testing. The USPTO is, however, open to moving to adaptive testing if appropriate. Vendors are free to propose computer adaptive testing and any such proposal will be evaluated as part of the total value to the government.

3   Will the vendor have access to the current items?

Response to Question 3: The successful vendor will have access to existing question items.

4   Will the vendor have access to the current test data (such as item statistics)?

Response to Question 4: The successful vendor will have access to existing item statistics.

5   How often will tests be updated?

Response to Question 5: Tests will be updated on an as-needed basis based on a number of factors, including changes to the patent laws, regulations and procedures and the exposure of existing tests. Vendors can expect to publish new test forms as frequently as twice per year with multiple test forms (typically two to four) released each time new forms are published. See also question 7.

6   Could performance on the current contract be improved?

Response to Question 6: The USPTO looks to improve at all times.

Response to Question 33: The USPTO estimates that requests for reasonable accommodations appear in approximately 1% of all applications. The determination of what constitutes a reasonable accommodation is made on a case-by-case basis, but common accommodations include extended time (typically time and a half or double time), testing over multiple days, separate testing room, and assistance in operating the computer.

35   C.1.3. How long is the lunch break that separates the morning and afternoon session? Is it a requirement that this break be over lunch or could it be earlier or later in that day, dependent on the test start time? Do the 3-hour sessions include any time for tutorials or breaks?

Response to Question 35: The break is intended to take place between sessions of the examination; it is not necessarily a lunch break. See also responses to questions 16 and 21.

36   C.1.3 Please explain all components of a testing session and the amount of time allocated to each.

Response to Question 36: See responses to questions 16 and 21.

37   C.1.3 Please clarify the candidate eligibility period. Is it typically 90 days per candidate, or are eligibility files submitted in a group format?

Response to Question 37: The eligibility period is typically 90 days per candidate, but in the case of candidates requiring reasonable accommodations is routinely extended to 120 days to allow appropriate arrangements to be made.

38   C.1.3 Please provide detail on the current candidate eligibility process (how data is sent, how often is the data sent, etc.).

Response to Question 38: Applicants submit an application and supporting materials to the USPTO. The USPTO reviews the application to determine whether the applicant possesses the necessary technical and scientific qualifications. A Notice of Admission is mailed to applicants meeting USPTO requirements. The Notice of Admission sets a testing window that starts one week after the mailing date of the Notice of Admission to allow for mail time and to ensure the eligibility file has been imported into the vendor's system. The USPTO pushes new eligibility files to an SFTP site nightly. The vendor may then import the new eligibility files from the SFTP site. See also response to question 19.

39   C.4.1.g. Please clarify what the USPTO means by: "The computer testing system must allow the simultaneous administration of examinations to a minimum of 50 candidates across the United States."

Response to Question 39: The successful vendor must permit concurrent testing of at least 50 candidates across the country. That does not mean each of the 50 examinations must start and stop at the same time; the requirement is intended to ensure a capacity of at least 50 examinations per day across the country.

40   C.1.4. r. Please provide examples of item format. Please provide a sample item.

52   Do you have a current job analysis (within the last five years) to validate the examination?

Response to Question 52: No existing job analysis is available to bidders.

53   How large is your current item bank?

Response to Question 53: See response to question 29.

54   Are there item statistics available for the current items?

Response to Question 54: The USPTO has item statistics for the current items. These statistics will be made available only to a successful bidder.

55   Is the passing score of 70 scaled or is it the raw score?

Response to Question 55: As currently implemented, the examination includes 90 scored items and 10 development (beta) questions. A successful applicant must correctly answer at least 63 of the 90 scored items (70%) to obtain a passing score.

56   How many forms of the examination are administered concurrently?

Response to Question 56: See response to question 32.

57   How are the examination forms equated?

Response to Question 57: See response to question 30.

58   What is the percentage of overlap of questions on each form of the examination?

Response to Question 58: There is no set percentage of overlap of questions between forms of the examination.

59   How many new examination items do you typically develop annually?

Response to Question 59: See responses to questions 5, 7 and 32.

60   How many subject matter specialists/experts (SMEs) do you have available to develop the examination items and publish (construct) new test forms?

Response to Question 60: There is no set number of subject matter experts available to develop new examination items. See also responses to questions 5, 7 and 32.

61   How often do you anticipate publishing new examination forms, e.g., how many per year?

Response to Question 61: See responses to questions 5, 7 and 32.